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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,076	12/07/2000	Brian Gerald Kuhn	24530.01500	9761
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Tobi C. Clinton CROSBY, HEAFEY, ROACH & MAY P.O. Box 7936 San Francisco, CA 94120-7936			EXAMINER LE, DANH C	
			ART UNIT 2683	PAPER NUMBER 5
DATE MAILED: 02/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,076

Applicant(s)

KUHN, BRIAN GERALD

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-8, 10-15, 19-22, 25, 27, 29 are rejected under 35 U.S.C. 102(e) as being anticipate by Shieh (US 6,591,098).

As to claim 1, Shieh inherently teaches the method for managing network activation with a carrier and registration with a service provider (figure 4 and col.2, line 47-

col.3, line 63), the method comprising: determining a network activation status with the carrier;

If not activated, performing network activation procedures;

determining a registration status with the service provider;

if not registered, sending a request to a server of the service provider for a registration file configured to gather user registration information; receiving the registration file from the server; and executing the registration file.

As to claim 2, Shieh teaches the method of Claim 1, further comprising returning data gathered by the registration file to the server to complete registration (figure 4 and col.2, line 47-col.3, line 63).

As to claim 3, Shieh teaches the method of Claim 1, wherein the step of determining a network activation status comprises checking for network enablement of a mobile radio device (figure 4 and col.2, line 47-col.3, line 63).

As to claim 6, Shieh teaches the method of Claim 1, wherein the step of executing the registration file comprises at least one of:
determining if an account with the service provider is to be setup;
receiving the registration information from a user; and
determining if registration is to be confirmed with the service provider (col.6, line 39-col.7, line 13).

As to claim 7, Shieh teaches the method of Claim 1, further comprising determining if the returned data is acceptable to the service provider (col.6, line 39-col.7, line 13).

As to claim 8, Shieh teaches the method of Claim 1, wherein the step of determining an activation status comprises:
launching a driver device configured to manage network activation procedures;
and
launching plug-in device tailor to a particular carrier (col.4, line 25-56).

As to claim 10, Shieh teaches the method of Claim 1, wherein the step of executing the registration file comprises displaying dialog screens to query a user for registration information (col.4, line 25-56).

As to claim 11, Shieh teaches a generic framework for network activation and registration (figure 1) comprising:

generic driver device (12) configured to manage network activation procedures and registration procedures; and

plug-in device (18) configured to initiate registration procedures based on commands received from the driver, wherein the plug-in device is tailored to a particular service provider.

As to claim 12, Shieh teaches the framework of claim 11, wherein the generic driver device and the plug-in device are applications in a personal digital assistant (col.4, line 25-28).

As to claim 13, Shieh teaches the framework of Claim 11, wherein the generic driver device comprises a selection mechanism configured to launch the generic driver device upon selection by a user, and wherein the generic driver device is further configured to launch the plug-in device (col.4, lines 13-56).

As to claim 14, Shieh teaches the framework of Claim 11, wherein the generic driver device is compatible with at least (1) a wireless network operating in a particular verbal language and (2) the plug-in device (col.4, lines 13-56).

As to claim 15, Shieh teaches the framework of Claim 14, further comprising another plug-in device tailored to another service provider, wherein the generic driver device is further compatible with the other plug-in device (col.4, lines 13-56).

As to claim 19, Shieh teaches the framework of Claim 11, wherein the generic driver device is further configured to receive a network registration file from the service provider and to launch the network registration file upon receiving the network registration file from the service provider (col.6, line 38-col.7, line 13).

As to claim 20, the claim is a computer claim of claim 1; therefore, the claim is interpreted and rejected as set forth as in claim 1.

As to claim 21, the claim is a computer claim of claim 2; therefore, the claim is interpreted and rejected as set forth as in claim 2.

As to claim 22, the claim is a computer claim of claim 3; therefore, the claim is interpreted and rejected as set forth as in claim 3.

As to claim 25, the claim is a computer claim of claim 6; therefore, the claim is interpreted and rejected as set forth as in claim 6.

As to claim 27, the claim is a computer claim of claim 8; therefore, the claim is interpreted and rejected as set forth as in claim 8.

As to claim 29, the claim is a computer claim of claim 10; therefore, the claim is interpreted and rejected as set forth as in claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 9, 16-18, 23, 24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shieh in view of Linden (US 6,549,773).

As to claim 4, Shieh teaches the method Claim 1, wherein the step of determining a registration status comprises receiving of the registration file from the plug-in device. Shieh fails to teach an address of registration file from the plug in device. Linden teaches an address of registration file from the plug in device (col.10, line 66-col.11, line 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linden into the system of Shieh in order to including the address of the registration file.

As to claim 5, the combine of Shieh and Linden further teach the method of Claim 4 wherein the address is a uniform resource locator (URL) and the request is hypertext transfer protocol (HTTP) request (Linden, col.1, line 63-col.3, line 18).

As to claim 9, the combine of Shieh and Linden teaches the method of Claim 1, wherein the request to the server is a hypertext transfer protocol (HTTP) request including a uniform resource locator (URL) , and wherein the registration file is Located at the URL (Linden, col.1, line 63-col.3, line 18).

As to claims 16-18, the combine of Shieh and Linden teaches the framework of Claim 11, wherein the plug-in device includes an address to a registration file configured to gather user registration information for the particular service provider and address of the registration file is a uniform resource locator (URL), and wherein communications between the generic driver device and the server are handled in a protocol that includes Hypertext Transfer Protocol (HTTP) over Transmission Control Protocol/Internet Protocol (TCP/IP) (Linden, col.1, line 63-col.5, line 42).

As to claim 23, the claim is a computer claim of claim 4; therefore, the claim is interpreted and rejected as set forth as in claim 4.

As to claim 24, the claim is a computer claim of claim 5; therefore, the claim is interpreted and rejected as set forth as in claim 5.

As to claim 28, the claim is a computer claim of claim 9; therefore, the claim is interpreted and rejected as set forth as in claim 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Rezvani et al (US 6,686,838) teaches the system and method for automatic registration of device.

B. Fingerhut (US 6,636,489) teaches the wireless management system and a method for an automated over the air management process for wireless communication device.

C. LoVasco et al (US 6,208,853) teaches the method for registering for a warranty for a wireless device.

D. Lipsit (US 5,956,636) teaches the method and system for automatic activation of a wireless device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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